

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MERCK & CO., INC.,

Plaintiff,

v.

C.A. No. 06-310-GMS

TEVA PHARMACEUTICALS USA, INC.,

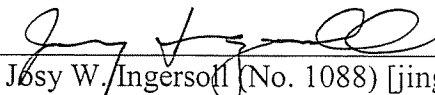
Defendant.

**TEVA PHARMACEUTICALS USA, INC.'S NOTICE OF
PROCEDURAL MOOTNESS OF MOTION TO DISMISS**

Please take notice that the motion filed by Teva Pharmaceuticals USA, Inc. ("Teva USA") to dismiss the complaint in this action (D.I. 6) no longer is pending and need not be acted upon by the Court, having been procedurally mooted by the filing of an amended complaint by Merck & Co. Inc. (D.I. 9). The tactic of filing an amended complaint does not, however, moot the substantive arguments contained in Teva USA's motion, which will be incorporated in its motion to dismiss the amended complaint.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Dated: June 14, 2006


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CERTIFICATE OF SERVICE

I, Josy W. Ingersoll, Esquire, hereby certify that on June 14, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send e-mail notification that such filing is available for viewing and downloading to the following counsel of record:

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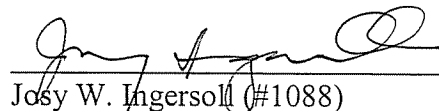
I further certify that on June 14, 2006, I caused a copy of the foregoing document to be served on the above-listed counsel of record by e-mail [mgraham@mnat.com] and hand delivery, and on the following non-registered participants in the manner indicated below:

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